

House Republican Press Release

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Protecting Private Property is Essential



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Imagine you lived in New London, Connecticut, and local officials waged a relentless fight to condemn the house you worked all your life to afford. Developers and city leaders, using the power of eminent domain, wanted to take property in your neighborhood, so it can become a hotel conference center and generate more local property tax revenue.

To protect the home you love, you hire a lawyer, attend endless town meetings, and travel to Hartford to plead your case before the legislature. You take your case all the way to the nation's highest court. All this just to stay in the home you love.

This is not the way life should be in the United States.

Private property rights are at the heart of the American political system. Government should be able to take people's homes, only in very limited cases. The Connecticut legislature needs to act now to limit this power of government to seize property for private developers.

This issue of eminent domain should be a top priority of the legislature. A June 23 ruling of the U.S. Supreme Court in the New London case has jeopardized homeowners' rights in favor of big government and big developers. The court said property can be taken by eminent domain for development purposes.

By a 5-4 margin, the high court ruled the state's eminent domain laws were constitutional but invited Connecticut to limit them if it wanted.

As a legislature, we need to act on this issue now and not wait until we are in regular session next February. We need to bring up the important issue of eminent domain and let it be our only focus and not let it be dragged into the regular workings of a session.

House Republican Leader Robert M. Ward of North Branford and Republican colleagues have spearheaded the drive to protect property owners' rights in the wake of the

controversial Supreme Court decision involving the city of New London and residents of the Fort Trumbull area who challenged the use of eminent domain.

Our proposal during the 2005 regular session was to delete from existing state law six lines that currently permit development agencies to seize property for economic development. Local and state governments could still exercise eminent domain to deal with truly blighted properties that pose health or safety hazards or for public works projects including schools, roads and other infrastructure improvements. That measure was defeated along party lines.

I took a proactive step of petitioning for a special session to take up the issue. Similar legislation was drafted for action in our special session, and there is still hope of taking some action this fall. Our legislation would reform the power of eminent domain for economic development. It would create a Property Rights Ombudsman such as one in Utah to assist both government and private citizens to understand their rights and obligations with respect to eminent domain. It would provide protection to the citizens of Connecticut from overzealous developers and development authorities.

As a result of our pressure, the legislative majority agreed to a temporary moratorium on new government taking of property for private development in Connecticut until next spring. The concept behind that approach is to give the legislature more time to address the issue in the 2006 session. However, this issue could be settled once and for all, with the legislation before us.

A moratorium is only a half step. There ought to be a clear statement by the legislature in support of property rights, as our founding fathers contemplated and as most homeowners expect.

Already, 11 states have adopted legislation reemphasizing the principle of property rights. Some towns also have taken steps to protect citizens and limit eminent domain for private development.

Why not the Connecticut legislature? Some big cities refuse to limit their powers for redevelopment. Some legislative leaders refuse to take up the cause of individuals against big government and big developers.

The time is now. The legislature needs to voice its support for the people of the state of Connecticutand enact legislation that brings the balance of power back to the home owner.

State Rep. Toni Boucher serves the 143rd Assembly District of Wilton and Norwalk in the state House of Representatives.